

town that it has extended its boundaries to embrace territory including the territorial limits of said smaller city or town, and the certificate of said fact shall be in writing and delivered to the governing body of said smaller city or town by leaving a copy thereof at the office or offices of the mayor of said smaller city or town during office hours; and at any time within ten days after the giving of such written notice, the smaller city or town may apply to the District Court of the County in which it is situated for an injunction to prohibit the extension of the boundaries of said larger city to incorporate said smaller city, upon the ground and only upon the ground that such smaller city has, in fact, more than 5,000 population; and in the event, as a result of such proceeding, it is finally adjudged that the said smaller city at the time of the annexation election had more than 5,000 population, then and in that event the extension of the boundaries of the said larger city, insofar as they include the territory within the boundaries of the smaller city, shall be void, but shall remain effective as to all other territory if any, covered thereby.

7. No part of portion of this Law shall be or become unconstitutional and invalid by reason of any other part of portion hereof being held by any court to be unconstitutional or invalid.

8. It appearing that it is necessary to provide more workable methods of extending boundary limits for cities having a population of 100,000 and under 150,000, as shown by the preceding Federal census, and because of the fact that such cities are greatly hampered in their growth by reason of the inadequacy of the present laws upon such subject and the fact that such cities in this State are surrounded by territory much of which needs the protection and other benefits incident to being brought within the corporate limits and jurisdiction of such cities, and the crowded condition of the calendar creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and

after its passage, and it is so enacted.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, June 18, 1929.

The Senate met at 9:55 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Love:

S. B. No. 152, A bill to be entitled "An Act to provide that Tax Collectors, shall, in counties having 210,000 population or more, according to the census of 1920 and cities, political subdivisions or tax assessing districts within such counties, shall collect taxes in chronological order in which they were assessed; etc., and declared an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Gainer:

S. B. No. 153, A bill to be entitled "An Act providing that when a

claim or claims are filed under Chapter 17, of the General Laws of the State of Texas, passed by the Regular Session of the 39th Legislature, that a bond may be filed providing the amount and terms of such bond for notice, and prescribing period of the limitation of action to enforce such bond; providing incidental matters, and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 154, A bill to be entitled "An Act to amend Article 941a, of the Penal Code of Texas, 1925, and to amend Chapter 53, of the Acts of the 41st Legislature, Regular Session, so as to permit the catching of suckers, buffalo, carp, shad and gar, in Williamson County during the months of June, July and August, by the use of a seine of any size mesh, or by the use of wire, rope or grab hook and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 155, A bill to be entitled "An Act fixing the salary of the county superintendent of public instruction in a certain class of counties classified according to population, said salary to be paid in the same manner and out of the same funds as provided for county superintendent under the laws of this State; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 156, A bill to be entitled "An Act fixing the compensation of County Auditors in every county having a population of not less than 15,975 and not more than 16,300 according to the 1920 United States census and prescribing how same shall be paid; providing that such shall be the salary of said Auditors so long as the taxable values in the county shall not exceed the sum of Fifteen Million Dollars for the next preceeding year; Commissioner's Court fixing said salary when said taxable values are less than said sum; and declaring an emergency."

The bill was read first time and

referred to Committee on State Affairs.

By Senator Small:

S. B. No. 157, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer and clerk in any county of less than one hundred thousand inhabitants, in which there is a city having an actual population of 38,489 inhabitants or more; providing a means for ascertaining said population; regulating the salary of said stenographer; providing for his removal; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 158, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas; to authorize the Commissioners of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas grown potatoes; to cooperate with the United States Department of Agriculture in accomplishing the purposes of this Act; and declaring an emergency."

The bill was read first time and referred to Committee on Agricultural Affairs.

By Senator Parr:

S. B. No. 159, A bill to be entitled "An Act fixing the compensation of deputies and assistants of certain district and county officers in counties having a population of over thirty-six thousand five hundred inhabitants containing no city with a population of twenty-five thousand inhabitants, and having property of an assessed valuation exceeding thirty million dollars as shown by the tax rolls for the last preceding year; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

#### Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives  
Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolution:

S. C. R. No. 9, Relating to the appointment of the Honorable Eugene Black to membership on the Farm Relief Board.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution by a vote of 99 yeas and 10 nays.

S. C. R. No. 11, Relating to courtesies extended the wife of Oscar De Priest, negro representative from Illinois, at an entertainment given at the White House by Mrs. Herbert Hoover, wife of the President of the United States.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Simple Resolution No. 14.

Senator Love sent up the following resolution:

Whereas, the Senate, last Friday, adopted a Concurrent Resolution expressing its condemnation of the reported reception of the wife of a negro Congressman, at a tea given for the wives of Congressmen at the White House, and,

Whereas, in the debate on this Resolution, the question was asked as to whether or not the action condemned by the Resolution would have occurred, in the event the Hon.

Alfred E. Smith had been elected President instead of Herbert Hoover, and on one was able to furnish the information, and

Whereas, it is important that the Senate, as well as the House of Representatives, and the people, should be fully informed as to all phases of this question, now, therefore, be it

Resolved by the Senate of Texas, That the Associated Press, a recognized dependable public agency, is hereby requested, on behalf of the Senate, to obtain from the Hon. Alfred E. Smith, such statement for publication as he may think proper to make, relative to the incident referred to in Senate Concurrent Resolution No. 11 and disclosing, for the information of the Legislature of Texas, and of the people, whether or not, if Governor Smith were President, the color line would be drawn, barring the wife of the negro Congressman from being received at the White House teas and receptions, given for the wives of Congressmen.

LOVE.

The resolution was read.

Senator Holbrook moved to table the resolution. The motion prevailed.

#### Senator Excused.

On motion of Senator Cousins, Senator Wirtz was excused for the day on account of important business.

#### Free Conference Requested.

On motion of Senator Pollard, the Senate voted to refuse to concur in the House amendments to S. B. No. 4 and asked for a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Senators Pollard, Hornsby, Woodward, Hardin, and Moore.

#### Resolution Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 9.

#### Simple Resolution No. 15.

Senator Love sent up the following resolution:

Resolved, That the Senate felici-

tates and congratulates the Hon. Herbert Hoover, President of the United States, and the Congress and the people, and especially the farmers of the United States, upon the final passage, on yesterday, of the Farm Relief Bill.

Regardless of our different views as to the relative merits of various proposals made for the relief of the farmer, we express our satisfaction and relief in the assurance that, at last, some plan is to be tried out.

We recognize that this measure, now assured, creates a great Federal Agency, armed with broad powers, and supplied with a revolving fund of Five Hundred Million Dollars of Government money, for the purpose of supporting a market for agricultural products, notably, cotton and wheat. This represents altogether the largest provision ever made, and the most advanced step ever taken by any nation, for the support of agriculture, and we bespeak hearty and sympathetic cooperation of all the people, regardless of party alignments, in the working out of this great and crucially important experiment for affording the farmers of Texas, and of the nation, a square deal at the hands of the Government.

LOVE.

Read first time and referred to Committee on Agriculture on motion of Senator DeBerry, by the following vote:

Yeas—23.

Beck.	Parr.
Berkley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hornsby.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.
Neal.	

Nays—3.

Gainer.	Martin.
Holbrook.	

Absent.

Thomason.	Woodul.
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Absent—Excused.

Wirtz.

(Pair Recorded.)

Senator Miller (present), who would vote nay with Senator Hyer (absent), who would vote yea.

Simple Resolution No. 16.

Senator McFarlane sent up the following resolution:

Whereas, Miss Katharine Marshall is within the Bar of the Senate, and Whereas, she represented Texas in the National Oratorical Contest at Washington, and as a result of such representation, is to be permitted to tour South America, therefore, be it

Resolved, That she be invited to address the Senate.

McFARLANE,  
SMALL,  
PARRISH,  
MOORE.

Read and adopted.

The Chair appointed Senators McFarlane, Small, and Moore to escort Miss Marshall to the platform.

Miss Marshall Speaks.

Senator McFarlane introduced Miss Marshall who delivered to the Senate her prize winning oration on "The Significance of Our Constitution."

On motion of Senator McFarlane, the oration was unanimously ordered printed in the Journal.

(See Appendix.)

Motion to Reconsider.

Senator Love spread on the Journal a motion to reconsider the vote by which the Free Conference Committee report on H. B. No. 5 was adopted.

Senate Bill No. 17.

The Chair laid before the Senate as special order the following bill:

By Senator Wirtz and others:

S. B. No. 17, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, etc., and declaring an emergency."

The amendment to the amendment was adopted.

The amendment as amended was lost by the following vote:

Yeas—13.

DeBerry.	Gainer.
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Greer.	Parrish.
Hardin.	Pollard.
McFarlane.	Small.
Miller.	Stevenson.
Moore.	Westbrook.
Parr.	

Nays—13.

Beck.	Patton.
Berkeley.	Russek.
Hornsby.	Thomason.
Holbrook.	Williamson.
Love.	Witt.
Martin.	Woodul.
Neal.	

Present—Not Voting.

Cousins.

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

Senator Woodul (present), who would vote nay with Senator Hyer (absent), who would vote yea.

The Chair voted "no."

Senator Small sent up the following amendment:

Amend S. B. No. 17, page 5 by striking out Line 3 and adding:

"A Broker within the meaning of this act is an agent or salesman who sells or purchases for a client or clients stocks, bonds or other securities already outstanding and whose clients are not the issuing corporation or company. All Brokers as herein defined are exempt from all provisions of this Act."

SMALL.

The amendment was read.

Senator Woodul moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Berkeley.	Thomason.
Cousins.	Westbrook.
Hornsby.	Williamson.
Neal.	Witt.
Russek.	Woodward.

Nays—16.

Beck.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Parrish.
Holbrook.	Patton.
Love.	Pollard.
Martin.	Small.
McFarlane.	Stevenson.

Absent.

Hardin.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay with Senator Wirtz (absent), who would vote yea.

Senator Woodul (present), who would vote yea with Senator Hyer (absent), who would vote nay.

Senator Parrish sent up the following amendment:

Amend S. B. No. 17 page 11 by adding after the word, State in line 9 the following:

"Comptroller and Secretary of Agriculture."

And by striking out all after the word "State" page 20 line 24, down to the word "their" in line 31 and insert in lieu thereof the following:

"The Comptroller and Secretary of Agriculture shall upon report set a time within 30 days fix a date for hearing and give notice thereof not less than seven days in advance to the dealer agent or salesman making the request for the hearing. Should their decision as a result of such hearing and given at the conclusion thereof reverse the former opinion of the Secretary of State forming the basis for such writing."

PARRISH.

The amendment was read and lost by the following vote:

Yeas—9.

Gainer.	Parr.
Hardin.	Parrish.
Martin.	Patton.
McFarlane.	Small.
Moore.	

Nays—18.

Beck.	Neal.
Berkeley.	Pollard.
Cousins.	Russek.
DeBerry.	Stevenson.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Witt.
Miller.	Woodward.

(Pairs Recorded.)

Senator Cunningham (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

Senator Woodul (present), who would vote nay with Senator Hyer (absent), who would vote yea.

Senator Woodul moved the previous question on the engrossment of the bill. The motion was lost by the following vote:

Yeas—13.

Beck.	Thomason.
Cousins.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Neal.	Woodward.
Russek.	

Nays—15.

Berkeley.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Martin.	Small.
McFarlane.	Stevenson.
Miller.	

Absent.

Hardin.	Wirtz.
Hyer.	

Recess.

On motion of Senator Westbrook, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 119.

Senator Woodul received unanimous consent to take up the following bill:

By Senator Woodul:

S. B. No. 119, A bill to be entitled "An Act to amend Art. 1265, Chapter 20, Title XXVIII of the Revised Civil Statutes of the State of Texas of 1925, and providing methods by which any city having a population of 100,000 and under 150,000 as shown by the preceding Federal census, may extend its boundary limits and annex additional territory adjacent or contiguous to such city, and declaring an emergency."

The Committee report carrying a substitute was adopted.

Senator Woodul sent up the following amendment:

Amend Committee Substitute to Senate Bill 119 by striking out all

after the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 1265 of the Revised Civil Statutes of the State of Texas shall be and the same is hereby amended to read as follows:

Article 1265. Extension of Limits. Any city having a population of 100,000 and under 150,000 as shown by the preceding Federal Census, shall have the power and authority to amend its charter so as to extend its boundary limits by annexing additional territory adjacent and contiguous to such city, where the territory so annexed does not include any incorporated city or town having more than five thousand inhabitants according to the preceding Federal Census. Such extension shall be effected in the manner following:

1. The governing body of such city may, upon its own motion, and shall upon the petition of at least ten per cent of the qualified voters of said city as shown by the preceding general election, submit such proposed amendment to a vote of the qualified voters of such city, which election shall be held as provided by Chapter 13 of this title.

2. If such amendment is adopted by a majority of those voting at such election, and such annexed territory shall include any incorporated city or town of five thousand inhabitants or less, then, from and after the adoption of such amendment, the incorporation of such city or town of five thousand inhabitants or less shall be abolished and shall cease to exist, and all record books, public property, public buildings, money on hand, credit accounts and other assets of the annexed incorporated city or town shall become the property of said larger city and shall be turned over to the officers thereof, and by such annexation, the officers existing in the smaller municipality shall be abolished and the persons holding such offices shall not be entitled to further remuneration or compensation; and all legal outstanding liabilities of such smaller city shall be assumed by the enlarged city.

3. Whenever such annexed city or town shall have on hand any bond funds for public improvement and not already appropriated or contracted for, such money shall be kept in a separate special fund and

devoted to public improvements in the territory for which such bonds were voted, and shall not be diverted or used for any other purpose.

4. After such annexation, all claims, fines, debts and taxes due or payable to the annexed city or town shall thereupon become due and payable to said larger city and shall be collected by it. If taxes for the current year shall have been duly assessed prior to said annexation, then the amount so assessed shall remain as the amounts due and payable from the inhabitants of such annexed city or town for such current year."

5. Providing however that nothing in this Article shall be held or construed to repeal or nullify any charter provision of any city of over 100,000 and under 150,000 inhabitants, according to the preceding Federal census, operating under Article 11, Section 5 of the Constitution providing for the annexation of additional territory by ordinance but shall be construed as an additional power and cumulative of the said charter provisions, and all such charter provisions in effect at the time of the original passage of this Article are hereby ratified and confirmed and declared to be in full force and effect.'

Section 2. The fact that the decisions of the courts in the construction of Article 1265 and its operation has caused considerable confusion, turmoil and litigation in regard to the meaning and effect thereof creates an emergency and an imperative public necessity that the Constitutional rule providing that bills be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and adopted.

The bill as substituted was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 119 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.
DeBerry.	Hornsby.

Hyer.	Pollard.
Love.	Russek.
Martin.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Neal.	Williamson.
Parr.	Witt.
Parrish.	Woodul.
Patton.	Woodward.

Absent.

Beck.	Wirtz.
Holbrook.	

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Cousins.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Hornsby.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	Woodward.

Absent.

Pollard.	Wirtz.
Stevenson.	

#### Senate Bill No. 17.

The question recurred upon S. B. No. 17.

Senator Martin sent up the following amendment:

Amend S. B. No. 17 by striking out all of page 25 from line 10 to line 16 inclusive.

MARTIN.

Read and lost.

Senator Small sent up the following amendment:

Amend S. B. No. 17, page 21, line 14 by striking out all after the word "may" in line 14, down to and including the word "request" in line 27, and by inserting in lieu thereof the following:

"file suit to revoke the registration certificate of any dealer, or any dealer's agent or salesman and such suit shall be filed in the county of defendant's residence, or if more than one, then in that event, in the

county of the residence of any defendant, or in the county where the fraud is alleged to have been committed, and said case shall be tried as all other civil cases, and should the decision, in the trial of the case, be against the defendant, the Secretary of State shall thereupon cancel defendant's registration certificate. An appeal from such judgment of the trial court shall not supercede the cancellation of the registration certificate until such judgment is vacated, reversed, or reformed in an appellate court.

SMALL.

The amendment was read.

Senator Witt moved the previous question on the amendment and the engrossment of the bill.

Senator Stevenson called for a division of the question.

The previous question on the amendment was ordered.

The previous question on the engrossment of the bill failed to be ordered.

The amendment was lost by the following vote:

Yeas—12.

Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Martin.	Patton.
McFarlane.	Pollard.
Miller.	Stevenson.

Nays—13.

Beck.	Russek.
Berkeley.	Thomason.
Cousins.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Neal.	

Absent.

Greer. Hardin.

(Pairs Recorded.)

Senator Small (present) who would vote yea with Senator Woodward (absent), who would vote nay.

Senator Woodul (present), who would vote nay with Senator Hyer (absent), who would vote yea.

Senator Holbrook sent up the following amendment:

Amend paragraph (r) of Section 3 of S. B. No. 17 by striking out the word "by" after the word "or" in the 7th line on page 9 and insert in lieu thereof the word "through"

and by striking out in the 12th and 13th lines on page 9 the following words: "and the issuance of the particular securities has been approved."

HOLBROOK.

The amendment was read.

Senator Witt moved the previous question on the amendment and the engrossment of the bill.

Senator McFarlane called for a division of the question.

The previous question on the amendment was ordered.

The previous question on the engrossment of the bill was ordered by the following vote:

Yeas—16.

Beck.	Neal.
Berkeley.	Russek.
Cousins.	Thomason.
DeBerry.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.

Nay—12.

Cunningham.	Parr.
Gainer.	Parrish.
Martin.	Patton.
McFarlane.	Pollard.
Miller.	Small.
Moore.	Stevenson.

Absent.

Greer. Woodward.  
Hyer.

The amendment was read and adopted.

The bill passed to engrossment by the following vote:

Yeas—16.

Beck.	Neal.
Berkeley.	Pollard.
Cousins.	Russek.
DeBerry.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.

Nays—9.

Cunningham.	Parr.
Gainer.	Parrish.
Martin.	Patton.
Miller.	Stevenson.
Moore.	



## Absent.

Greer.

Hardin.

## (Pairs Recorded.)

Senator Small (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator Woodul (present), who would vote yea with Senator Hyer (absent), who would vote nay.

The motion of Senator Wirtz to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

## Yeas—18.

Beck.	Patton.
Berkeley.	Pollard.
Cousins.	Russek.
DeBerry.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
Neal.	Woodul.

## Nays—10.

Cunningham.	Moore.
Gainer.	Parr.
Martin.	Parrish.
McFarlane.	Small.
Miller.	Stevenson.

## Absent.

Greer.	Woodward.
Hyer.	

## (Four-fifths vote required.)

Senator McFarlane moved to reconsider the vote by which the bill passed to engrossment and spread the motion on the Journal.

Senator Wirtz moved to table the motion.

Senator Wirtz raised the point of order that the motion to reconsider was not debatable because the previous question had been ordered on the engrossment of the bill on which vote the motion to reconsider was made.

The Chair sustained the point of order.

Senator McFarlane raised the point of order that the motion to table the motion to reconsider was out of order.

The Chair sustained the point of order.

The motion to reconsider the vote was lost by the following vote:

## Yeas—9.

Cunningham.	Miller.
Gainer.	Moore.
Greer.	Parr.
Martin.	Parrish.
McFarlane.	

## Nays—16.

Beck.	Russek.
DeBerry.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Williamson.
Neal.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.

## Absent.

Cousins.	Hyer.
Hardin.	Woodward.

## (Pair Recorded.)

Senator Berkeley (present), who would vote nay with Senator Small (absent), who would vote yea.

## House Bill No. 1.

The Chair laid before the Senate as special order the following bill:

By Mr. Snelgrove, Mr. Graves of Erath and Mr. Long of Houston:

H. B. No. 1, A bill to be entitled "An Act appropriating two million, five hundred thousand dollars (\$2,500,000) per year, or so much thereof as may be necessary, for the next two fiscal years, for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, etc., and declaring an emergency."

The Committee report carrying a substitute was adopted.

Read second time.

Senator Love sent up the following amendment:

Amend by inserting in Section 9, page 20, after the words "at public expense" the following:

"and all counties that provide for the expense of such transportation out of a special equalization fund, derived from its county funds and its allotment of State available school funds."

LOVE.

Read and adopted.

Senator Wirtz sent up the following substitute for the bill:

Amend H. B. No. 1 as substituted by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. For the purpose of promoting the public school interests of rural schools and equalizing the educational opportunities afforded by the state to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the general revenue \$\_\_\_\_\_, or such part thereof as may be necessary for the school year ending August 31st, 1930, and \$\_\_\_\_\_, or such part thereof as may be necessary for the school year ending August 31st, 1931, to be used in accordance with the following provisions of this Act.

Sec. 2. State Aid under the provisions of this Act may be distributed in such way to assist all schools of not more than 100 scholastic enrollment located in common or independent districts of not more than 400 scholastics to maintain the school solely out of State and County available funds for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term, not to exceed nine months, it shall not be eligible to receive state aid, the granting of such aid to be subject to the following conditions:

1. Each school receiving this aid shall be provided with suitable school house, erected in accordance with the Texas School House Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each such school shall be provided with the necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representative.

3. Teachers employed in state aid schools shall furnish the State Superintendent satisfactory evidence of professional training and teaching ability.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the annual support of its schools by voting and levying a local school tax of not less than Ten cents on the hundred dollars of property valuation, and provided further that the property valuation shall not be less than said property is valued for State and County purposes, and provided further that the above requirements of a maintenance tax levy shall not apply to districts maintaining a school for Indians.

5. Each school receiving State aid under the provisions of this Act, shall teach the common school subjects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction and State Board of Education.

6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study.

Sec. 3. Schools of not more than one hundred scholastics located in districts of not more than four hundred scholastic census enrollment, including transfers, complying with the foregoing conditions may send to the State Superintendent for blanks provided by the State Department of Education, a list of teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of his fund, which, together with State and County available funds, may be necessary to maintain the school for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term not to exceed nine months, it shall not be eligible to receive State Aid.

Sec. 4. The maximum salaries to be paid out of State and County

Funds shall be according to a schedule approved by the State Board of Education. No part of the aid herein provided for shall be used for increasing the salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the districts receiving such aid. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any section herein provided. Should any school, which would otherwise be eligible to receive funds under this Act, agree, promise, or contract with teachers to pay a larger salary, during the term provided out of the State Funds, than is to be paid during the remainder of the term out of local funds, then such school shall forfeit its right to receive aid.

Sec. 5. In deciding upon the amount of aid to be granted to districts under the provisions of this Act, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall allot the money herein appropriated to schools upon the following basis: One teacher for any number of scholastics from 20 to 35 inclusive; two teachers for any number of scholastics from 36 to 65 inclusive; three teachers for any number from 66 to 95 inclusive. The basis for calculation shall be the net scholastic enumeration of the district for the current year, which must include all transfers into the district, and from which shall be deducted all transfers from the district; provided that in unusual or extraordinary conditions of actual enrollment an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 6. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period of not exceeding six months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be levied and collected by said school district,

and that this requirement cannot be waived by the State Board of Education; and provided further that the amount granted in such cases shall not exceed \$300.00.

Sec. 7. State Aid to the amount of not more than \$300.00 to any one school in a district which will provide equipment for proper instruction and demonstration in farm mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. Each school in which such equipment has been placed by previous appropriations may receive \$100.00 for each year of this appropriation, provided the teacher employed is approved by the State Superintendent, as competent for such instruction and a term report on the work done is made by the teacher in charge. It is expressly provided that the school district which applied for special aid under this section must be complying with the foregoing conditions as stated in Section 3 of this Act.

Sec. 8. It is hereby further provided that when a rural high school district is legally formed, either by action of the County Board of Education or by election of resident voters, containing not less than 40 square miles and not more than 700 scholastics of either white or colored population and providing a building and equipment, which shall meet the approval of the State Superintendent of Public Instruction, and employing three teachers, including the principal doing high school work exclusively, or such number of teachers as in the judgment of the State Superintendent of Public Instruction is needed and necessary, it may be granted out of the yearly appropriations of this Act the sum of Five Hundred (\$500.00) Dollars for each entire school district included in said grouping; provided such rural high school district is one unit in a county wide system of such high school districts mapped and planned for the entire county that has been approved by the State Superintendent of Public Instruction; provided that nothing herein shall prohibit any one such unit from receiving such aid as is provided herein

on account of any other units in said County failing to comply with this Act or to put into effect the plans of the County Board of Education in mapping out said county.

Any consolidation effected during the biennium from September 1, 1925, to August 31, 1927, under the provisions of Chapter 113, S. B. No. 408, General Laws of the State of Texas, passed by the Thirty-ninth Legislature at its Regular Session, 1925, which has been denied the benefits of the bonus of \$1,000.00 specified in said Act, upon proof of such consolidation shall receive said bonus out of the appropriation provided for in the Act.

Sec. 9. Rural high school districts, formed in accordance with Section 8 of this Act, and all consolidations heretofore formed under provisions of State Aid Laws of 1923 and 1925, which make provisions for transportation of pupils to and from said schools at public expense, may be granted from this fund in addition to the amount provided in Section 8, a sum equal to one-half the cost of transportation, amount not to exceed \$300.00 for each auto truck required, provided contracts for such transportation have been approved by the State Superintendent.

Sec. 10. It is hereby expressly provided that an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session.

Sec. 11. The aid granted to all of the districts of any one county, entitled to receive aid under the provisions of this Act, shall not exceed Ten Thousand (\$10,000.00) Dollars.

Sec. 12. Except as authorized in Sections 7, 8, 9 and 11, no district shall receive more than one thousand (\$1,000.00) Dollars in any one year under the provisions of this Act.

Sec. 13. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in his opinion, may be

necessary to carry out the provisions and intentions of this Act and for the best interest of the schools for whose benefits the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural school supervisors, hereby authorized, who shall make a thorough investigation in person of the grounds, buildings, equipment, teaching force, and financial condition of each school applying for aid under the provisions of this Act, and aid shall not be granted unless it can be shown that all provisions of this Act and regulations made by the State Superintendent have been complied with, and that such amount of aid is actually needed.

Sec. 14. Warrants and Reports.—Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which State Aid is granted in the same manner as warrants for State apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 15. Apportionment Privileges.—Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County available school funds, and in all other school funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State Aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

Sec. 16. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provisions be made for the maintenance and support of our schools with as little delay as possible, and for the further fact that considerable time is required in preparation for carrying out the terms of this Act before the schools can take advantage of the provisions stated herein, creates an emergency and an imperative public necessity that the Constitutional

Rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator Pollard, the amendment was tabled.

Senator Love sent up the following amendment:

Amend by inserting two new Sections to be known as sections 16a and 16b as follows:

Section 16a. Any county in this State may, through its County School Trustees, make application to the State Superintendent of Public Instruction and the State Board of Education for an allowance for any year out of the Rural Aid fund provided for and appropriated by this Act of a sum equal to the aggregate amount of any and all allowances which might be made for such year, to school districts lying wholly or in part within such county under this Act, in lieu of such allowances, to be used as a County Equalization Fund, and disbursed by the County School Trustees for the purpose of equalizing the educational opportunities of school children residing within the county, according to scheduled plans and specifications for the use of such County Equalization Fund, which shall accompany such application; and if the State Superintendent of Public Instruction and the State Board of Education, upon full consideration of such application shall approve such plans and specifications with or without modifications, and shall grant the application, then the aggregate amount of said funds to be used in said county shall from time to time as needed, if such plans and specifications are being complied with, but not otherwise, be turned over to such County School Trustees for such use as a County Equalization Fund, provided that the amount so appropriated and allotted to any county shall not in the aggregate exceed the proportion of the total fund herein provided for, which the rural scholastic population of said county as ascertained and determined by the State Superintendent of Public Instruction and the State Board of Education bears to the rural scholastic population of the State, as similarly ascertained and determined.

Sec. 16b. Wherever, in this Act,

the power is given either to the State Superintendent of Public Instruction or to the State Board of Education or to the County School Trustees to make any allowance or payment to any school district, the State Superintendent or the State Board of Education or the County School Trustees, as the case may be, upon consent of Trustee of such affected district shall have full power and authority under the same conditions, to provide that such allowance or payments shall be made for the use and benefit of the children residing in such school district, to some convenient school district, or school districts, other than the one in which such school children may reside, to pay, in whole or in part, for their transportation and tuition, or either, provided that such provisions shall be approved by the State Superintendent of Public Instruction and the State Board of Education.

LOVE.

The amendment was read.

#### Motion to Adjourn.

Senator Moore moved to adjourn until 10:00 o'clock Wednesday morning. The motion was lost by the following vote:

#### Yeas—12.

Gainer.	Patton.
Hardin.	Russek.
Holbrook.	Small.
McFarlane.	Stevenson.
Moore.	Westbrook.
Parr.	Wirtz.

#### Nays—16.

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Thomason.
Greer.	Williamson.
Hornsby.	Witt.
Love.	Woodward.

#### Absent.

Hyer.	Woodul.
Martin.	

#### Motion to Set Special Order.

Senator Witt moved to set S. B. No. 111 as special order after the morning call. The motion prevailed.

#### Motion to Adjourn.

Senator Westbrook moved to ad-

Journ until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

**Yeas—13.**

Berkeley.	Moore.
Cunningham.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
McFarlane.	Wirtz.
Miller.	

**Nays—13.**

Beck.	Parr.
Cousins.	Parrish.
DeBerry.	Pollard.
Greer.	Thomason.
Hornsby.	Williamson.
Love.	Witt.
Neal.	

**Absent.**

Hyer.	Woodul.
Martin.	Woodward.
Patton.	

The Chair voted "no."

**House Bill No. 1.**

The question recurred upon the amendment to H. B. No. 1.

Senator Thomason moved to table the amendment. The motion prevailed.

**Motion to Adjourn.**

Senator Moore moved to adjourn until 10:00 o'clock tomorrow morning. The motion was lost by the following vote:

**Yeas—11.**

Hardin.	Russek.
Holbrook.	Small.
McFarlane.	Stevenson.
Miller.	Westbrook.
Moore.	Wirtz.
Parr.	

**Nays—14.**

Beck.	Martin.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Pollard.
Greer.	Thomason.
Hornsby.	Williamson.
Love.	Woodul.

**Absent.**

Cousins.	Patton.
Gainer.	Witt.
Hyer.	Woodward.

**House Bill No. 1.**

The question recurred upon H. B. No. 1.

Senator Moore sent up the following amendment:

Amend C. S. H. B. No. 1 page 16 line 13, by striking out the words "Seventy-five" and insert in lieu thereof the word "fifty."

MOORE.

The amendment was read.

**Recess.**

On motion of Senator Holbrook, the Senate at 5:12 o'clock p. m., recessed until 10:00 o'clock tomorrow morning.

**APPENDIX.**

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 48 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 141 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 144 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 50 carefully examined and compared

and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 146 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 143 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 119 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 9 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:15 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, Secretary of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 89, A bill to be entitled "An Act to amend Chapter 105 of the Local and Special Laws passed in the Regular Session of the 39th Legislature, etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 102 A bill to be entitled "An Act amending Article 7047 of the Revised Civil Statutes of Texas, 1925, by adding a new section "40" so as to provide an Occupation Tax upon emigrant agents, defining emigrant agents, providing manner of payment of taxes, repealing H. B. No. 207, passed by the First Called Session of the 41st Legislature of Texas and approved by the Governor of Texas May 17, 1929, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee Amendment as adopted, and be printed in the Journal only.

WOODWARD, Chairman.

#### Committee Amendment.

Amend By adding after the word "State" line 9, page 2 of the following:

Provided, however, that the term "emigrant agent" as defined in this Act does not mean any person, firm, association of persons or corporations or maritime agent that hires, entices or solicits laborers for his or its own use beyond the limit of this State where an office is not maintained therefor.

WOODWARD.

By Johnson of H. B. No. 102.  
Dimmit.

#### A BILL To Be Entitled

An Act amending Article 7047 of the Revised Civil Statutes of Texas, 1925, by adding a new section "40", so as to provide an Occupation Tax upon emigrant agents, defining emigrant agents, providing manner of payment of taxes, repealing H. B. No. 207,

passed by the First Called Session of the Forty-first Legislature of Texas and approved by the Governor of Texas, May 17, 1929; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7047, Title 122, of the Revised Civil Statutes of Texas, 1925, be amended by adding thereto another Section to be numbered "40", and to read as follows:

"Section 40. Emigrant Agents. From every person, firm, corporation or association of persons engaged in the business of an emigrant agent, an annual State tax of \$1,000.00 and in addition thereto, in each county where said emigrant agent operates or maintains an office, an annual tax, on a population basis, according to the preceding Federal census, as follows: In counties under 100,000 population the sum of \$100.00; in counties having a population from 100,000 to 200,000 inclusive, the sum of \$200.00; and in counties over 200,000 population, the sum of \$300.00. The term "Emigrant Agent" as used herein means the business of hiring, enticing, or soliciting laborers in this State to be employed beyond the limits of this State and is also meant to include every person, firm, corporation or association of persons maintaining an office to hire, entice, or solicit laborers to be employed beyond the limits of this State; and is also meant to include every person who, as an independent contractor or otherwise than as an agent of a duly licensed emigrant agent procures, or undertakes to procure, or assists in procuring laborers for an emigrant agent; and every emigrant agent shall be termed and held to be doing business as such in each and every county where he, in person, or through an agent, hires, entices, or solicits any laborer to be employed beyond the limits of the State. It is further provided that the provisions of Article 7048 authorizing the payment of an occupation tax quarterly shall not apply to emigrant agents as herein defined, but such agents shall pay in advance the tax for one entire year. Said tax shall be paid to the Tax Collector and upon production of a receipt showing the payment of the amount due the State, the Tax Collector is

authorized to receive the amount due for each county."

Sec. 2. H. B. No. 207, passed by the First Called Session of the Forty-first Legislature of Texas, approved by the Governor May 17, 1929, is hereby expressly repealed.

Sec. 3. In the event any Section, Subdivision, sentence, word, words, or part of this Act shall be held to be unconstitutional, then such holding shall not affect or impair the remainder of this Act and the remainder of this Act in such case shall be and remain in full force and effect, as the intent of the Legislature.

Sec. 4. The fact that many persons are engaged in business in this State as emigrant agents without being properly taxed on or in respect to such business, and the further fact that Texas has come to be a fruitful field for the activities of emigrant agents, and the further fact that the State and counties are in serious and immediate need of additional revenue, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act become effective from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 45, A bill to be entitled "An Act to adopt a general arbitration statute repealing the present general arbitration statute insofar as applicable to written contracts executed and delivered after this Act becomes effective, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Hornsby.

S. B. No. 45.

A BILL

To Be Entitled

An Act to adopt a general arbitration statute repealing the present general arbitration statute insofar as applicable to written contracts executed and delivered after this Act becomes effective; making valid and enforceable written



agreements and provisions in contracts for arbitration of disputes; providing for stay of proceedings brought in violation of arbitration agreement; providing remedy in case of default by filing motion in court with hearing upon notice and order of court upon such hearing; providing for appointment of arbitrators; for summoning witnesses before arbitrators; for taking of depositions for hearings before arbitrators; for award of arbitrators; for motions to confirm award and to vacate award and to modify or correct award; providing for notice on such motions and hearings on same and orders thereon; providing for judgment upon award; providing for record on which such judgment shall be entered and for effect and enforcement thereof and appeals therefrom; providing for ancillary proceedings pending arbitration and for stay of same or determination of same pending arbitration within discretion of court and providing that invalidity for any reason of any section or part of section of Act shall not affect validity of any other section or part of section.

Be it enacted by the Legislature of the State of Texas:

Section 1. That title 10 of the Revised Civil Statutes of Texas, 1925, relating to arbitration, be amended so that the Articles thereof numbered Articles 224 to 238 inclusive shall be repealed and in lieu thereof, a new general arbitration statute enacted, provided, however, that such statute hereby repealed and each Section thereof shall remain in full force and effect until this bill shall become a law and providing that thereafter the new law shall apply only to written contracts executed and delivered after this bill shall have become a law and that the statute hereby repealed and all Sections thereof shall continue to be effective and applicable as to all contracts executed and delivered before this new law becomes effective and applicable to all rights of parties to contracts existing at the time the new law becomes effective.

Sec. 2. That the new arbitration act, which shall be referred to as the Texas Arbitration Act, shall read as follows:

Article 1. Validity of Arbitration

Agreements. A provision in any written contract to settle by arbitration a controversy thereafter arising out of such contract, or out of the refusal to perform the whole or any part thereof, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, shall be valid, irrevocable and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

Article 2. Stay of Proceedings Brought in Violation of Arbitration Agreement. If any suit or proceeding be brought upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

Article 3. Remedy In Case of Default—Jurisdiction—Petition And Notice—Hearing And Proceedings. The party aggrieved by the alleged failure, neglect or refusal of another to perform under a written agreement for arbitration may petition any court of record having jurisdiction of the parties or of the property for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of a summons. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded the court shall hear and determine such

issue. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

**Article 4. Appointment Of Arbitrators.** If, in the agreement, provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or an umpire, or in filling a vacancy, then upon the application of either party to the controversy the court aforesaid shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and, unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

**Article 5. Application Heard As Motions.** Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

**Article 6. Witnesses—Summoning—Compelling Attendance.** When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. The arbitrators selected either as prescribed in this Act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses in courts of

general jurisdiction. The summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrator or arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the aforesaid court or the court in and for the district or county in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of this State.

**Article 7. Depositions.** Upon petition, approved by the arbitrators or by a majority of them, any court of record in and for the district or county in which such arbitrators, or a majority of them, are sitting, may direct the taking or depositions to be used as evidence before the arbitrators, in the same manner and for the same reasons as provided by law for the taking of depositions in suits or proceedings pending in the courts or record in this State.

**Article 8. Award.** The award must be in writing and must be signed by the arbitrators or by a majority of them.

**Article 9. Motion To Confirm Award—Jurisdiction—Notice.** At any time within one year after the award is made any party to the arbitration may apply to any court of appropriate jurisdiction over the parties and subject-matter for an order confirming the award and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. Notice in writing of the application shall be served upon the adverse party or his attorney five days before the hearing thereof.

**Article 10. Motion To Vacate Award—Grounds—Re-hearing.** In either of the following cases any court of appropriate jurisdiction over the parties and subject-matter shall,

upon motion so to do by any party to the arbitration, enter an order vacating the award:

(a) Where the award was procured by corruption, fraud or undue means.

(b) Where there was evident partiality or corruption on the part of the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final and definite award upon the subject-matter submitted was not made.

Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct or rehearing by the arbitrators.

**Article 1. Motion To Modify Or Correct Award.** In either of the following cases any court of appropriate jurisdiction over the parties and subject matter shall, upon motion so to do by any party to the arbitration, enter an order modifying or correcting the award:

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

**Article 12. Judgment Upon Award.** Upon the granting of an order confirming, modifying or correcting an award, judgment may be in the court wherein the order was granted. Hearings upon any motion after it is filed upon which any such order shall be entered shall be heard by the court in the manner and times

prescribed for motions for new trial presented to that court.

**Article 13. Notice Of Motions—When Made Service—Stay Of Proceedings.** Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered, as prescribed by law for service of notice of a motion in an action. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

**Article 14. Record—Filing—Judgment—Effect And Enforcement.** Any party to a proceeding for an order confirming, modifying or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement, the selection or appointment, if any, of an additional arbitrator or umpire, and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action. The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it has been rendered in an action in the court in which it is entered.

**Article 15. Appeals.** An appeal may be taken from an order confirming, modifying, correcting or vacating an award, or from a judgment entered upon an award, as from an order or judgment in an action.

**Article 16. Ancillary Proceedings Stay Of Same Pending Arbitration.** Ancillary proceedings prior to judgment such as garnishment and attachment may be instituted and prosecuted pending arbitration, for

which purpose a petition may be filed, showing pendency of arbitration, which petition may be filed in any court having appropriate jurisdiction of parties and subject-matter, proceedings on which petition may be stayed until final judgment on the award. The ancillary proceedings may, by order of the court, be stayed pending such final judgment or may meanwhile be determined subject to such judgment as the court may in its discretion order.

Article 17. Invalidity of any part of this Act not Affecting Validity of any other Part. The invalidity of any section or sections or part or parts of any section or sections shall not affect the validity of the remaining parts of this statute for any reason.

Sec. 3. The fact that other existing arbitration statutes have been adopted in other state and by the federal government establishing a modern method of determining civil controversies without trials in court and that Texas citizens are at a disadvantage in not having such procedure; the fact that under the present Texas statute a contract between parties who desire to arbitrate their future differences thereunder is unenforceable and accordingly arbitration being available only when parties agree to arbitrate specific controversies after they arise, the present Texas statute is practically in disuse; and the fact that the expense to the state of affording courts for determining controversies that might be settled by arbitration is increasingly becoming a burden upon the taxpayer; create an emergency and an imperative public necessity exists that the constitutional law requiring bills to be read on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, June 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 60, A bill to be entitled "An Act amending Art. 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real es-

tate or seeking to establish any interest or right therein or to enforce any lien, charge or incumbrance against the same, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOODWARD, Chairman.

By Westbrook.

S. B. No. 60.

#### A BILL

#### To Be Entitled

An Act amending Article 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same; providing that failure to comply with the requirements of Article 6640 as amended shall be ground for dismissal of any suit affected by said article; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6640 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

"Article 6640. Suit for Land; Notice to be Filed. Upon the filing of any suit or action, involving title to real estate, or seeking to establish any interest or right therein, or to enforce lien, charge or encumbrance against the same, any party seeking affirmative relief therein, shall file a notice of the pendency of such suit with the county clerk of each county where such real estate, or any part thereof, is situated. Such notice shall be signed by the party filing the same, his agent or attorney, setting forth the number and style of the cause, the court in which pending, the names of the party thereto, the kind of suit and description of the land affected. Failure to comply with this Article shall be ground for dismissal of any such suit."

Sec. 2. The fact that such notices should be required to be filed in such cases, and the law making such requirement should become effective as soon as possible, creates an emergency and an imperative pub-

lie necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 91, A bill to be entitled "An Act relating to bills of exception in District and County Courts, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Martin.

S. B. No. 91.

#### A BILL

#### To Be Entitled

An Act relating to Bills of Exception in District and County Courts; enacting Article 2237a of Chapter 11, Title 42 of the Revised Civil Statutes of 1925, relating to practice in the District and County Courts; requiring District and County Judges to state the qualifications of any Bill of Exception presented by either party to a suit and place such qualifications in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the District or County Judge in acting on Bills of Exception presented to him and outlining the procedure in case such Judge does not comply with the statute; providing that this Act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby enacted Article 2237a of the Revised Civil Statutes of 1925 to be a part of Chapter 11 of Title 42 thereof, which article read as follows:

Article 2237a. No district or county judge shall qualify a Bill of

Exception presented by either party to a suit unless such qualification is stated by the judge and placed in the record upon the trial of the case at the time the exception is reserved. If the district or county judge does not approve or disapprove any Bill of Exception presented to him within five days after same has been delivered to said Judge, then the party presenting said Bill of Exception to such Judge may file a copy of same with the district clerk together with his affidavit stating the fact when said original bill was delivered to said judge and that the same as tendered to the clerk is a true and correct copy. Thereupon the clerk shall file such as the Bill of Exception for the transcript, and it shall not be necessary to take any other or further action on the same except to copy it in the transcript. This article shall apply to both civil and criminal cases. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 2. The fact that under present laws, very frequently the party presenting a Bill of Exception for the action of the judge thereupon is deprived of his rights on account of delay in the action of the judge thereon, and the further fact that this Act is designed to correct this deficiency in our procedure in the district and County Courts, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 129, A bill to be entitled "An Act authorizing any water improvement district to create emergency loans and issue interim bonds for the purposes, in the manner and under the restrictions and limitations now provided by Section 1, H. B. No. 159, Acts Forty-first Legislature, First Called Session, relating to Water Control and Improve-

ment Districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Martin, Moore. S. B. No. 129.

A BILL  
To Be Entitled

An Act authorizing any water improvement district to create emergency loans and issue interim bonds for the purposes, in the manner, and under the restrictions and limitations, now provided by Section 1, H. B. No. 159, Acts Forty-first Legislature, First Called Session, relating to water control and improvement districts, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any water improvement district may create emergency loans and issue "interim bonds" for the purposes, in the manner, and under the restrictions and limitations provided in Section 1, of H. B. No. 159, of the Acts of the Forty-first Legislature, First Called Session, relating to water control and improvement districts; it being the intent hereof to confer upon water improvement districts the same power and authority in respect to emergency loans and issuance of "interim bonds" as now conferred by law upon water control and improvement districts.

Sec. 2. The inadequacy of the present law, in relation to the subject matter of this Act, pertinent to water improvement districts; the fact that it is desirable and necessary to confer on water improvement districts the same power and authority in respect to creation of emergency loans and issuance of "interim bonds" as now conferred on water control and improvement districts; and the public importance of this Act, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days before final passage be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 149, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Small. S. B. No. 149.

A BILL  
To Be Entitled

An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In any civil case which has been filed in one county and removed by change of venue to another county and tried therein by a jury, the county in which such case was filed shall be liable for the pay of jurors incurred in the trial thereof.

Sec. 2. The county commissioners of each county, at each regular meeting, shall ascertain whether, since the last regular meeting, any civil case has been tried by jury upon change of venue from any other county. If they find such to be the case, they shall make out an account against the county in which said case was originally filed showing the number of days the jury in such case was employed in the trial thereof, and setting forth the amount paid for such jury service. Such account shall then be certified to as correct by the county judge of such county, under his hand and seal, and be, by him, forwarded to the county in which said case was originally filed; and said account shall be paid from the jury fund of said county made liable therefor by this Act.

Sec. 3. This Act shall not apply

to any civil case transferred by reason of the order of any court based upon a plea of privilege filed in said case.

Sec. 4. The fact that there is now no law governing the matter covered by this Act and that many counties in the State are constantly paying out large sums of money for jury service to try causes transferred from other counties by agreement of the litigants and attorneys and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, June 18, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Printing, to whom was referred S. B. No. 151, A bill to be entitled "An Act providing better provisions for the State contracts for printing the laws and resolutions of the Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

PARRISH, Chairman.

By Woodul, Moore. S. B. No. 151.

#### A BILL

##### To Be Entitled

An Act providing better provision for the State contracts for printing the laws and resolutions of the Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Board of Control shall, at the opening of each regular session of the Texas Legislature, award a special contract for printing the general and special laws and resolutions to be passed by each regular or special session of the current Legislature, said contract to be separate and apart from all other contracts for public printing. The General and Special Laws shall be printed in separate volumes upon order of the Board of Control. The

contract for said printing shall be prepared by the Board of Control and approved by the Secretary of State and shall provide such penalties as will assure the delivery of said laws within the contract time limit. A special stipulation shall be included in such contract providing that the printer shall produce at least forty-eight pages per day from the time the last copy is furnished him by the State. Binding time shall be allowed of not less than eight thousand sections of thirty-two's each day after the printing is completed, according to the foregoing schedule. The printer shall be required to begin delivery of completed books within a reasonable time after the printing is completed and binding commenced, which limit shall be set out in the call for bids made by the Board of Control. An appropriation shall be made by the Legislature to pay the cost of compiling, indexing and printing all such laws and resolutions.

Sec. 2. There shall also be placed in said contract a stipulation requiring the printer to have the proof read and corrected as provided herein, before submitting such proof to the State. The printer shall have such proof read by a competent proof reader and copy holder, and the discovered errors shall be corrected and a revised proof submitted to the State. While the proofs are in the hands of the State the time shall not be charged against the contractor doing the work, and he shall be allowed extension of time in which to deliver the finished product equal to the number of days the proofs are withheld from him by the State. The Comptroller shall not issue a warrant to the printer in payment for the printing of such laws and resolutions unless and until the printer, if an individual, or if a corporation, partnership, or association, the vice-president, secretary or manager of same has made a sworn affidavit that he has complied with this section.

Sec. 3. Such laws and resolutions shall be compiled and printed under the direction of the Secretary of State, who shall within twenty-six days, excluding Sundays, after adjournment of the Legislature furnish the printer all copy therefor, the delivery of the first copy to the

printer to begin as the bills are signed by the Governor; provided that copy for the index shall be given to the printer within five days after the printer has furnished all page proofs of the laws to the Secretary of State.

Sec. 4. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 5. The fact that the present contract for printing the laws does not necessarily call for prompt delivery of the printed laws and does not assure accuracy in printing the laws, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### The Significance of the Constitution

(Oration delivered by Miss Katherine Marshall, daughter of Judge and Mrs. J. C. Marshall, of Quanaah, which won fourth place in the National Oratorical Contest in Washington. Delivered before the State Senate this morning.)

The story of our Constitution is the history of the political development of our country under a governmental system that has stood the test of nearly a hundred and fifty years of national growth and expansion, a system under which the nation rapidly rose from a condition of bankruptcy, confusion and threatened anarchy to a position of power and influence in the family of nations. Within five years after the adoption of the Constitution we had credit around the world. The nation had passed through her crisis and emerged triumphant over every obstacle that had threatened the life and domestic tranquility of the new government.

A clear understanding of the process by which the Constitution began its existence as the supreme law of the land is necessary to a full conception of its present significance.

In 1787, after the Articles of Confederation had been tried and found inadequate as an instrument of self-government, a convention composed of fifty-five vision inspired men assembled in the City of

Philadelphia, in that same red brick state house already made sacred by the Declaration of Independence, and began the work of forming a more perfect Union for the nation they had brought into being.

After four long months of arduous labor the task was completed. On the same sure foundation that had made the Declaration of Independence the greatest document of its kind ever penned by the hand of man, they erected a constitutional government for the United States of America. The powers of government were assumed by the people of the new republic and they became the sole source of governmental authority.

The Constitution has been for a hundred and forty-two years the greatest document ever written into the record of mankind's struggle for popular government. We marvel at the wisdom of the fathers in fashioning a government so perfect in its functioning yet so elastic in its application that it has met the changing needs and growth of the nation without change other than nineteen amendments. We marvel at the sublime conception of a governmental system in which every citizen lives under two complete and well-founded systems of laws—the state and the federal laws—and in which local self-government is so perfectly blended with national authority.

The men of 1787 meant to form a more perfect Union and they succeeded for the document they formulated has become an indestructible bond of union for forty-eight sovereign states. "No crisis has been too great for its powers, no evolution too rapid for its adaptation, and no expansion beyond its easy grasp and administration." Moreover, under its beneficent authority it has taken the struggling and oppressed people from every land and nationality—no matter from what background of traditions, customs, conditions, and languages—imbued them with its spirit of individual responsibility, admitted them to the citizenship, and won their abiding loyalty and love.

Today the Constitution is immeasurably stronger than it was at the beginning. In its first years the Union was too young to be held



sacred. The states were jealous of their powers. Patriotism was state patriotism, state loyalty too strong to permit entire devotion to a new and untried system of government. But with the years the wisdom of the framers of the Constitution was reflected in the smoothness of its operation. As it gathered dignity and force it won the people's respect and admiration. To respect and admiration the next generation added veneration and love. Gradually the Constitution became a rallying center about which crystallized the political creeds and national sentiments of the great political parties. Thus the constitutional government of 1787 grew with the growth of national history and national sentiment. We have become in the fullest organic sense a nation—the most perfect union the world has ever known. Patriotism is national patriotism; state law and federal law are complementary parts of one great whole.

The political experience of a hundred and fifty years has demonstrated the perfection of the provisions of our government "for defense against foreign foes, for self-preservation against domestic differences, for limitless expansion in population and material development, and for steady growth in intellectual freedom and force. Its future can only be measured by the capacity of man to cultivate and enjoy the boundless opportunities of liberty and law."

And yet there are dangers that threaten the Constitution today—the dangers of peace—that may become greater than the dangers of war. The gravest danger, perhaps, comes from the very liberty the people enjoy. Ten years ago when the World War closed patriotism was a passion. The world had been made safe for democracy. The flag of our country had become the flag of humanity. How it thrilled our hearts when we saw that flag at the head of a marching column of returned soldiers. In its folds we read all the glorious history of our country; in its stars we saw preservation of the Union, through the heartbreaking tragedy of the Civil War; its bright colors had flashed a message of hope and promise to humanity on the battlefields of France; for it was the emblem of a people dedicated to the realization of a glorious ideal.

But ten short years later we are told that America is the greatest law violating nation on earth; that "in less than five years, in point of lives sacrificed, we have waged a new world war;" that property losses are equally striking; that we have developed a changed attitude toward law and order. Again, we are told that crime has become an organized business, in which a vast army is engaged, because its profits far outweigh the risks involved. Moreover, the indictment against us states that we have become a nation of materialists; that we place wealth and worldly success above every other consideration of life. What a challenge to our generation!

My countrymen, shall we permit these accusations to stand? If crime has become an organized business, shall we fail to organize against crime? Let us again mobilize the citizenship of our country for her defense against the forces that threaten the very foundations of our government. Let us begin anew the task of training the youth of America—this time for service as citizens—to combat the foes within her gates. Only by training for law observance today can we hope to banish the criminal class of tomorrow. Let us teach the duties and responsibilities of citizenship for the next ten years; teach the significance of the Constitution in the school, in the home, from the platform, draft the leaders of national righteousness for frequent speeches over the radio, teach the law observance through every channel of communication, and thus awaken the people in millions of American homes to a new sense of their obligations as citizens, to a new conception of the sacredness of their rights and duties under the Constitution. And within the next ten years we shall see the dawn of that happy day in our country's history when our nation, rich in her resources, resistless in her energies, and released from her shackles of materialism and selfishness, shall enter upon the golden age of her national history. An age in which, under the initiative, we shall see all the nations of the earth steadily moving forward in mutual understanding and confidence toward universal and everlasting peace. "When the war drums throb no longer,

And the battleflags are furled,  
In the parliament of man,  
The federation of the world."

### ELEVENTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas.

Wednesday, June 19, 1929.

The Senate met at 10 o'clock a. m., pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

### House Bill No. 1.

The question recurred upon the amendment to H. B. No. 1.

Senator Wirtz sent up the following substitute for the amendment:

Substitute for pending amendment:

Amend H. B. No. 1, Committee Substitute, page 16, line 13, by striking out the words "seventy-five" and in lieu thereof insert "thirty-five."

WIRTZ.

The amendment was read.

Senator Thomason moved to table the amendment and the substitute.

Senator Wirtz called for a division of the question.

The motion to table the substitute prevailed by the following vote:

Yeas—22.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Small.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—6.

Gainer.	Moore.
Holbrook.	Russek.
Love.	Stevenson.

Absent.

Hyer.

(Pair Recorded.)

Senator Wirtz (present,) who would vote nay with Senator Patton (absent), who would vote yea.

The motion to table the amendment prevailed by the following vote:

Yeas—17.

Beck.	Parr.
Berkeley.	Parrish.
DeBerry.	Pollard.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Neal.	

Nays—9.

Cunningham.	Moore.
Gainer.	Russek.
Holbrook.	Stevenson.
Love.	Westbrook.
Miller.	

Absent.

Cousins.	Williamson.
Hyer.	

(Pair Recorded.)

Senator Wirtz (present), who would vote nay with Senator Patton (absent), who would vote yea.

Senator Small sent up the following amendment:

Amend C. S. H. B. No. 1, page 16, line 13, by striking out seventy-five cents and inserting in lieu thereof "One Dollar."

SMALL.

The amendment was read.

Senator DeBerry moved to table the amendment. The motion prevailed.

Senator Love sent up the following amendment:

Amend S. B. No. 1, on page 18, by striking out of the substitute bill all of lines 4 to 11 inclusive, and by inserting in lieu thereof the following:

Any county in this State that has a special equalization fund, derived from the State and county available funds, shall receive from the appropriation herein provided a sum not to exceed Twelve Thousand and Five Hundred (\$12,500.00) Dollars for each year of the biennium to supplement the equalization fund thereof, subject to the approval of the State Board of Education.

LOVE.

The amendment was read.

Senator Pollard moved to table